

Merchant & Gould

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Insert TITLE of invention

POLYMER COMPOSITION FOR PIPES

Check a or b

The specification of which

a. ☒ is attached hereto

b. ☐ was filed on _____

If "b" checked, complete

as application serial no. _____

and was amended on _____

(in the case of PCT-filed application)

described and claimed in international no. _____ filed _____

and as amended on _____ (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a). (Reprinted on back side).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent of inventor's certificate listed below and have also identified below any foreign application for patent of inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

a. ☐ no such applications have been filed.

b. ☒ such applications have been filed as follows:

If PCT Application

Insert int. application
number & filing date

Prior applications
Check a or b

If "b" checked, complete

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
Sweden	9802409-4	6 July 1998	
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

For Continuation-in-Part
(CIP) Applications, complete

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)
PCT/SE99/01195	1 July 1999	pending

• INSTRUCTIONS

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Revised 04/12/00

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Albrecht, John W.	Reg. No. 40,481	Gregson, Richard	Reg. No. 41,804	Qualey, Terry	Reg. No. 25,148
Anderson, Gregg I.	Reg. No. 28,328	Gresens, John J.	Reg. No. 33,112	Reich, John C.	Reg. No. 37,703
Batzli, Brian H.	Reg. No. 32,960	Hamre, Curtis B.	Reg. No. 29,165	Reiland, Earl D.	Reg. No. 25,767
Beard, John L.	Reg. No. 27,612	Hillson, Randall A.	Reg. No. 31,838	Schmaltz, David G.	Reg. No. 39,828
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Byrne, Linda M.	Reg. No. 32,404	Kettelberger, Denise	Reg. No. 33,924	Spellman, Steven J.	Reg. No. 45,124
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Golla, Charles E.	Reg. No. 26,896	Plunkett, Theodore	Reg. No. 37,209	Wu, Tong	Reg. No. 43,361
Gorman, Alan G.	Reg. No. 38,472	Prendergast, Paul	Reg. No. 46,068	Xu, Min S.	Reg. No. 39,536
Gould, John D.	Reg. No. 18,223	Pytel, Melissa J.	Reg. No. 37,209	Zeuli, Anthony R.	Reg. No. 45,255

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould to the contrary.

Please direct all correspondence in this case to Merchant & Gould P.C. at the address indicated below (or if no address is specified, the first address):

- ☒ P.O. Box 2903; Minneapolis, MN 55402-0903 (Telephone No. (612) 332-5300)
- ☐ Independence Plaza, Suite 1400; 1050 17th St.; Denver, CO 80265-0100 (Telephone No. (303) 357-1670)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2 0 1	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY
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	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY
SIGNATURE OF INVENTOR 201		SIGNATURE OF INVENTOR 202		SIGNATURE OF INVENTOR 203
On separate Declaration		On separate Declaration		On separate Declaration
DATE		DATE		DATE

Insert FULL name(s)
AND address(es) of
actual inventor(s)

Each inventor must
sign & date

Note: No legalization or
other witness required

Revised 04/12/00

For Additional Inventors:

☒ Check box and attach sheet with same information, including date and signature.

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	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY	
		ASUMALAHTI	Markku	
		Kerava	Finland	Finland
		Louhenkuja 3	KERAVA	04230 FINLAND
2 0 2	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
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	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY	
		ÄÄRILÄÄ	Jari	
		Porvoo	Finland	Finland
		Partionieventie 1B 31	PORVOO	06100 FINLAND
2 0 3	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY	
		PALMROOS	Ari	
		Porvoo	Finland	Finland
		Annantie. 11	PORVOO	06400 FINLAND
SIGNATURE OF INVENTOR 201		SIGNATURE OF INVENTOR 202		SIGNATURE OF INVENTOR 203
<i>[Signature]</i>		On separate Declaration		On separate Declaration
DATE		DATE		DATE
December 12, 2000				

Insert FULL name(s)
AND address(es) of
actual inventor(s)

Each inventor must
sign & date

Note: No legalization or
other witness required

Revised 04/12/00

For Additional Inventors:

☒ Check box and attach sheet with same information, including date and signature.

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DeVries Smith, Kate	Reg. No. 42,157	McAuley, Steven A.	Reg. No. P-46,084	Weaver, Karrie G.	Reg. No. 43,245
DiPietro, Mark J.	Reg. No. 28,707	McDonald, Daniel W.	Reg. No. 32,044	Welter, Paul A.	Reg. No. 20,890
Edell, Robert T.	Reg. No. 20,187	McIntyre, Jr. William F.	Reg. No. P-44,921	Whipps, Brian	Reg. No. 43,261
Epp Ryan, Sandra	Reg. No. 39,667	Mueller, Douglas P.	Reg. No. 30,300	Wickhem, J. Scot	Reg. No. 41,376
Giance, Robert J.	Reg. No. 40,620	Fauy, Daniel M.	Reg. No. 40,123	Williams, Douglas J.	Reg. No. 27,054
Goggin, Matthew J.	Reg. No. 44,125	Phillips, John B.	Reg. No. 37,206	Witt, Jonelle	Reg. No. 41,980
Golla, Charles E.	Reg. No. 26,896	Plunkett, Theodore	Reg. No. 37,209	Wu, Tong	Reg. No. 43,361
Gorman, Alan G.	Reg. No. 38,472	Prendergast, Paul	Reg. No. 46,068	Xu, Min S.	Reg. No. 39,536
Gould, John D.	Reg. No. 18,223	Pytel, Melissa J.	Reg. No. 37,209	Zeuli, Anthony R.	Reg. No. 45,255

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould to the contrary.

Please direct all correspondence in this case to Merchant & Gould P.C. at the address indicated below (or if no address is specified, the first address):

☒ P.O. Box 2903; Minneapolis, MN 55402-0903 (Telephone No. (612) 332-5300)

☐ Independence Plaza, Suite 1400; 1050 17th St.; Denver, CO 80265-0100 (Telephone No. (303) 357-1670)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

200	2	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
	0	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	1	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY
			ASUMALAHTI	Markku	
			Kerava	Finland	Finland
			Louhenkuja 3	KERAVA	04230 FINLAND
200	2	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
	0	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	2	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY
			ÄÄRILÄÄ	Jari	
			Porvoo	Finland	Finland
			Partioniehentie 1B 31	PORVOO	06100 FINLAND
3	2	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
	0	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	3	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY
			PALMROOS	Ari	
			Porvoo	Finland	Finland
			Annantie 11	PORVOO	06400 FINLAND
		SIGNATURE OF INVENTOR 201		SIGNATURE OF INVENTOR 202	
		On separate Declaration		On separate Declaration	
		DATE		DATE	
		December 7, 2000			

Insert FULL name(s) AND address(es) of actual inventor(s)

Each inventor must sign & date

Note: No legalization or other witness required

Revised 04/12/00

For Additional Inventors:

☒ Check box and attach sheet with same information, including date and signature.

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Albrecht, John W.	Reg. No. 40,481	Gregson, Richard	Reg. No. 41,804	Qualey, Terry	Reg. No. 25,148
Anderson, Gregg I.	Reg. No. 28,828	Gresens, John J.	Reg. No. 33,112	Reich, John C.	Reg. No. 37,703
Batzli, Brian H.	Reg. No. 32,960	Hamre, Curtis B.	Reg. No. 29,165	Reiland, Earl D.	Reg. No. 25,767
Beard, John L.	Reg. No. 27,612	Hillson, Randall A.	Reg. No. 31,838	Schmaltz, David G.	Reg. No. 39,828
Berns, John M.	Reg. No. 43,496	Holzer, Jr., Richard J.	Reg. No. 42,668	Schuman, Mark D.	Reg. No. 31,197
Black, Bruce E.	Reg. No. 41,622	Johnston, Scott W.	Reg. No. 39,721	Schumann, Michael D.	Reg. No. 30,422
Branch, John W.	Reg. No. 41,633	Kadievitch, Natalie D.	Reg. No. 34,196	Scull, Timothy B.	Reg. No. 42,137
Bremer, Dennis C.	Reg. No. 40,528	Karjeker, Shaikat	Reg. No. 34,049	Sebald, Gregory A.	Reg. No. 33,280
Bruess, Steven C.	Reg. No. 34,130	Kastelic, Joseph M.	Reg. No. 37,160	Skoog, Mark T.	Reg. No. 40,178
Byrne, Linda M.	Reg. No. 32,404	Kettelberger, Denise	Reg. No. 33,924	Spellman, Steven J.	Reg. No. 45,124
Clifford, Alan G.	Reg. No. 25,959	Keys, Jeramie J.	Reg. No. 42,724	Stoll-DeBell, Kirsten L.	Reg. No. 43,164
Caspers, Philip P.	Reg. No. 33,227	Knearl, Homer L.	Reg. No. 21,197	Storer, Shelley D.	Reg. No. 45,135
Chiappetta, James R.	Reg. No. 39,634	Kowalchuk, Alan W.	Reg. No. 31,535	Sumner, John P.	Reg. No. 29,114
Clifford, John A.	Reg. No. 30,247	Kowalchuk, Katherine M.	Reg. No. 36,848	Swenson, Erik G.	Reg. No. 45,147
Cochran, William W.	Reg. No. 26,652	Lacy, Paul A.	Reg. No. 38,946	Tellekson, David K.	Reg. No. 32,314
Daignault, Ronald A.	Reg. No. 25,968	Larson, James A.	Reg. No. 40,443	Trembath, Jon R.	Reg. No. 38,344
Daley, Dennis R.	Reg. No. 34,994	Liepa, Mara E.	Reg. No. 40,066	Underhill, Albert L.	Reg. No. 27,403
Dalglisch, Leslie E.	Reg. No. 40,579	Lindquist, Timothy A.	Reg. No. 40,701	Vandenburgh, J. Derek	Reg. No. 32,179
Daulton, Julie R.	Reg. No. 36,414	Lycke, Lawrence E.	Reg. No. 38,540	Wahl, John R.	Reg. No. 33,044
DeVries Smith, Kate	Reg. No. 42,157	McAuley, Steven A.	Reg. No. P-46,084	Weaver, Karrie G.	Reg. No. 43,245
DiPietro, Mark J.	Reg. No. 28,707	McDonald, Daniel W.	Reg. No. 32,044	Welter, Paul A.	Reg. No. 20,890
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Epp Ryan, Sandra	Reg. No. 39,667	Mueller, Douglas P.	Reg. No. 30,300	Wickham, J. Scot	Reg. No. 41,376
Glance, Robert J.	Reg. No. 40,620	Pauly, Daniel M.	Reg. No. 40,123	Williams, Douglas J.	Reg. No. 27,054
Goggin, Matthew J.	Reg. No. 44,125	Phillips, John B.	Reg. No. 37,206	Witt, Jonelle	Reg. No. 41,980
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Gorman, Alan G.	Reg. No. 38,472	Prendergast, Paul	Reg. No. 46,068	Xu, Min S.	Reg. No. 39,536
Gould, John D.	Reg. No. 18,223	Pytel, Melissa J.	Reg. No. 37,209	Zeuli, Anthony R.	Reg. No. 45,255

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2 0 1	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY	
		ASUMALAHTI	Markku	
		Kerava	Finland	Finland
		Louhenkuja 3	KERAVA	04230 FINLAND
2 0 2	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY	
		ÄÄRILÄÄ	Jari	
		Porvoo	Finland	Finland
		Partionieentie 1B 31	PORVOO	06100 FINLAND
2 0 3	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY	
		PALMROOS	Ari	
		Porvoo <i>FI</i>	Finland	Finland
		Annantie 11	PORVOO	06400 FINLAND
SIGNATURE OF INVENTOR 201		SIGNATURE OF INVENTOR 202		SIGNATURE OF INVENTOR 203
On separate Declaration		On separate Declaration		<i>[Signature]</i>
DATE		DATE		DATE
				December 1, 2000

Insert FULL name(s) AND address(es) of actual inventor(s)

Each inventor must sign & date

Note: No legalization or other witness required

Revised 04/12/00

For Additional Inventors:

☒ Check box and attach sheet with same information, including date and signature.

400

2	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
0	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
4	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY
		Forsstenagatan 4 H	GÖTEBORG	416 51 SWEDEN
2	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
0	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
5	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY
		Hermans väg 11	STORA HÖGA	444 60 SWEDEN
2	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
0	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
6	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY
		Nya Varvet 9	VÄSTRA FRÖLUNDA	426 71 SWEDEN
SIGNATURE OF INVENTOR 204		SIGNATURE OF INVENTOR 205		SIGNATURE OF INVENTOR 206
Mats Bademan		On separate Declaration		On separate Declaration
DATE		DATE		DATE
December 15, 2000				

2	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
0	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
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0	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
9	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY
SIGNATURE OF INVENTOR 207		SIGNATURE OF INVENTOR 208		SIGNATURE OF INVENTOR 209
DATE		DATE		DATE

2	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
0	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
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6	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY
		Nya Varvet 9	VÄSTRA FRÖLUNDA	426 71 SWEDEN
SIGNATURE OF INVENTOR 204		SIGNATURE OF INVENTOR 205		SIGNATURE OF INVENTOR 206
On separate Declaration		<i>Anette Nilsson</i>		On separate Declaration
DATE		DATE		DATE
		December 5, 2000		

2	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
0	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
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SIGNATURE OF INVENTOR 207		SIGNATURE OF INVENTOR 208		SIGNATURE OF INVENTOR 209
DATE		DATE		DATE

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2	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
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6	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY
		Nya Varvet 9	VÄSTRA FRÖLUNDA	426 71 SWEDEN
SIGNATURE OF INVENTOR 204		SIGNATURE OF INVENTOR 205		SIGNATURE OF INVENTOR 206
On separate Declaration		On separate Declaration		<i>[Signature]</i>
DATE		DATE		DATE
				December 20, 2000

2	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
0	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
7	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY
2	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
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SIGNATURE OF INVENTOR 207		SIGNATURE OF INVENTOR 208		SIGNATURE OF INVENTOR 209
DATE		DATE		DATE

2	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
0	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
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		Forsstenagatan 4 H	GÖTEBORG	416 51 SWEDEN
2	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
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		Hermans väg 11	STORA HÖGA	444 60 SWEDEN
2	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
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		Nya Varvet 9	VÄSTRA FRÖLUNDA	426 71 SWEDEN
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On separate Declaration		On separate Declaration		On separate Declaration
DATE		DATE		DATE

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SIGNATURE OF INVENTOR 207		SIGNATURE OF INVENTOR 208		SIGNATURE OF INVENTOR 209
DATE		DATE		DATE

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by § 97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;

or

- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

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